IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 21082 of 2004

Between:

A. Rukmini, w/o T.N. Govindarajan,
O/o the General Manager, Telecom District, BSNL, Tirupathi, R/o Tirupathi.

..... PETITIONER

AND

1 The Collector & District Magistrate, Chittoor District, Chittoor.
2 The District Level Scrutiny Committee, rep. by its Chairman-cum-Jt. Collector, Chittoor District, Chittoor.
3 The Revenue Divisional Officer, Chittoor.
4 The Mandal Revenue Officer, Nagari, Chittoor District.
5 The General Manager, Telecom District, Bharat Sanchar Nigam Limited, Tirupathi, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, more particularly one in the nature of Writ of Certiorari, calling for the records relating to the Proceedings Roc No. C3/1972/2002 dated 31-10-2004 from the file of the Collector & District Magistrate, Chittoor (R-1) and after perusing the same, quash the said Proceedings dated 31-10-2004 , by declaring it as arbitrary, violative of the principles of natural justice and contrary to law and with all other consequential benefits.

Counsel for the Petitioner: MR.V.JAGAPATHI

Counsel for the Respondent Nos.1 to 4: GP FOR REVENUE

Counsel for the Respondent No.5: Mr.Kanti Narahari (BSNL)

The Court at the stage of admission made the following:

HONOURABLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.21082 OF 2004

ORDER:

The petitioner is working as a Section Supervisor in B.S.N.L. There is an allegation against the petitioner that she secured employment in Telecom Department by using a Social Status Certificate dated 22.10.1977 describing herself as a candidate belonging to Scheduled Tribe. She was appointed in the Telecom Department on 20.06.1981. On a representation made by the representatives of Schedule Castes and Schedule Tribes, an enquiry was conducted by the Joint Collector regarding the social status of the petitioner and submitted a report to the Collector by holding that the petitioner does not belong to Scheduled Tribe and the social status certificate issued in her favour is liable to be cancelled. The Collector through the order dated 31.10.2004 cancelled the Caste Certificate of the petitioner issued by the then Tahasildar, Puttur by invoking the powers under Section 5 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (for brevity 'the Act'). Against the order of the Collector, a statutory appeal is provided to the petitioner to the Government of Andhra Pradesh under Secti2on 7(2) of the Act. The petitioner instead of availing the statutory remedy of appeal approached this Court through this writ petition seeking to declare the order of the Collector dated 31.10.2004 as arbitrary and violative of the principles of natural justice.

2. The learned counsel for the petitioner submitted that though the petitioner is conscious about the availability of the statutory remedy under Section 7(2) of the Act, she approached this Court by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India on the ground that the Collector while issuing the impugned proceedings violated the principles of natural justice. Therefore, the writ petition can be maintained.

3. Whether the petitioner belongs to a particular caste, whether she is entitled to be declared as a Scheduled Tribe, and whether there was no fraud played by her while obtaining the social status certificate, are all the questions to be considered by the authority under the statute. It is therefore, appropriate for the petitioner to invoke Section 7(2) of the Act by way of preferring an appeal to the Government. The writ petition cannot be directly maintained on the ground that the principles of natural justice are violated. If there is any force in the contentions of the petitioner regarding the legality of the order, the appellate authority has every power to pass appropriate orders by taking into consideration the pleas that are going to be raised by the petitioner.

4. Having regard to the above circumstances, the writ petition at this stage cannot be maintained and hence, the same is dismissed.

Dr. G.YETHIRAJULU, J

17th November, 2004

NOTE:

Furnish C.C. by tomorrow.

B/o.

SKM

TO

1 The Collector & District Magistrate, Chittoor District, Chittoor.
2 The District Level Scrutiny Committee, rep. by its Chairman-cum-Jt. Collector, Chittoor District, Chittoor.
3 The Revenue Divisional Officer, Chittoor.
4 The Mandal Revenue Officer, Nagari, Chittoor District.
5 The General Manager, Telecom District, Bharat Sanchar Nigam Limited, Tirupathi, Chittoor District.

6 Two C.Cs. to G.P. for Revenue, High Court Buildings,

High Court of A.P., Hyderabad (OUT)

7 Two C.D. Copies.